



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, October 06, 2008

Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn

Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner David Lillard
Commissioner Steve Mulroy
Commissioner Mike Ritz

10/2/2008 3:39 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Pastor O.C. Collins, Jr.
Bethlehem Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. [Resolution honoring the staff and volunteers of the “A Way Out” program for extraordinary service to the citizens of Shelby County. Sponsored by Commissioner Mike Carpenter.](#)

Ordinances

FORD
Chairman, General
Government
Committee

2. [ORDINANCE-FIRST READING - An Ordinance to Adopt Supplement No. 34 to the Code of Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

FORD
Vice-Chairman, Public
Works Committee

3. [Resolution approving an option agreement with Metal Management Memphis, LLC., for possible lease of certain property in Pidgeon Industrial Park, as approved by the Board of Commissioners of The Memphis And Shelby County Port Commission on July 24, 2008. Sponsored by Commissioner Wyatt Bunker](#)

FORD
Vice-Chairman, Public
Works Committee

4. [A resolution to grant a Temporary Construction Easement, 1,567 square feet \(0.04 acres\) in size, across county owned real property located at 3335 Old Getwell Road, known as the Tall Trees Property, to the BNSF Railway Company, for nominal consideration, for its use in constructing drainage improvements within its adjoining railroad right-of-way. Sponsored by Commissioner Wyatt Bunker](#)

FORD
Vice-Chairman, Public
Works Committee

5. [A resolution to grant a 10 foot wide Permanent Water Utility Easement, 3,579 square feet \(0.08 acres\), more or less, in size, across county owned real property located at 8340 Ellis Road, known as the Shelby County Cemetery, to the City of Bartlett, for nominal consideration, for its installation of permanent water main improvements. Sponsored by Commissioner Wyatt Bunker](#)

RITZ

Chairman, Land Use
Committee

6. A resolution amending the Department of Regional Services FY 2008-2009 Operation Budget in the amount of \$66,869.00 to reflect the acceptance of additional Federal Transit Administration (FTA) funds under Contract Number CA-072676 received from the Tennessee Department of Transportation for the Memphis Metropolitan Planning Organization and this item requires the total expenditure of Federal thru State Grant Funds in the amount of \$113,140.00. Sponsored by Commissioner Mike Ritz.

CHISM

Chairman, Law
Enforcement
Committee

7. Resolution amending the FY 2008/2009 Operating Budget of the Juvenile Court of Memphis and Shelby County Child Support Grant to reallocate funds with no change in the total grant budget. This resolution is sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 10/1/08)

CHISM

Chairman, Law
Enforcement
Committee

8. Resolution amending the FY 2008/2009 Operating Budget of the Juvenile Court of Memphis and Shelby County in the amount of \$151,924.41 and this item requires expenditure of State Grant Funds in the amount of \$151,924.41. Sponsored by Commissioner Sidney Chism.

LILLARD

Chairman, Community
Services Committee

9. Resolution amending the FY 2009 Operating Budget for a U.S. Department of Justice Grant in the amount of \$420,642.00 for Edward Byrne Memorial Justice Assistance Grant and this item requires expenditures of U.S. Department of Justice Grant Funds in the amount of \$420,642.00. Sponsored by Commissioner David Lillard.

FORD

Vice-Chairman,
Delinquent Tax
Property Committee

10. A resolution approving the conveyance of an unimproved parcel of county owned Delinquent Tax Property, 58,806 square feet (1.35 acres), more or less, in size, located on the east side of Interstate Highway I-40, approximately 200 feet south of Chelsea Avenue, jointly to the City of Memphis and County of Shelby, for nominal consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel jointly to the City of Memphis and County of Shelby for use in conjunction with the Cypress Creek

storm water management system as a flood/drainage control area. Sponsored by Commissioner George S. Flinn, Jr.

FORD
Vice-Chairman,
Delinquent Tax
Property Committee

11. Resolution approving the sale of five Delinquent Tax Parcels totaling \$21,200.00 from Tax Sale (s) 0102, 0206, and 0304 pursuant to the Provisions of TCA 67-5-2507. Sponsored by Commissioner George S. Flinn, Jr. (AMENDED IN COMMITTEE 10/1/08)

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
Chairman, General
Government
Committee

12. Resolution approving the County Mayor's nomination of Tracy R. Chism for appointment to the Shelby County Health, Education and Housing Facility Board. Sponsored by Commissioner Joe Ford.

FORD
Chairman, General
Government
Committee

13. Resolution approving the County Mayor's nomination of Anthony Tate and Lee Askew III for appointment to the Shelby County Healthcare Corporation. Sponsored by Commissioner Ford.

FORD
Chairman, General
Government
Committee

14. Resolution approving the County Mayor's nomination of Michael Adrian Davis and Marc E. Willis for appointment and Kurt "KC" Clayton, Richard C. Cushing, John Michael Maccarthy, Patricia Mitchell Worley, and Michael Steven Moore for reappointment to the Memphis and Shelby County Music Commission. Sponsored by Commissioner Ford.

FORD
Chairman, General
Government
Committee

15. Resolution approving the County Mayor's nomination of Jane Ashley Folk, Mary Harvey Gurley and Linda White for appointment to the Memphis and Shelby County Film and Television Commission. Sponsored by Commissioner Joe Ford.

Ordinances

FORD
Chairman, General
Government

16. ORDINANCE- THIRD READING (AMENDED)- an Ordinance to amend the Shelby County Code of

Committee

Ordinances, Chapter 2, Article II, Section 2-57 relative to the purchase, sale, or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity. Sponsored jointly by Commissioners Joe Ford and Mike Carpenter.

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

FORD

Vice-Chairman, Public Works Committee

17. A resolution approving a contract in the amount of \$906,996.00 with Archimania for design and construction administration services for a mixed-use parking garage and underground utility infrastructure at the 157 Poplar Avenue site and this item requires an expenditure of county CIP funds in the amount of \$906,996.00. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 10/20/08)

CARPENTER

Acting Chairman, Economic Development Committee

18. Resolution authorizing the sale to the City of Memphis of the County's interest in the Pyramid, Mid South Coliseum and land under the Liberty Bowl for \$5,000,000.00 and authorizing the Mayor to enter into a contract for this purpose with the City of Memphis. Sponsored by Commissioner Sidney Chism. (SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

CARPENTER

Acting Chairman, Economic Development Committee

19. Resolution authorizing the sale to the City of Memphis of the County's interest in the Pyramid, Mid South Coliseum and land under the Liberty Bowl for \$5,000,000 and authorizing the Mayor to enter into a contract for this purpose with the City of Memphis. Sponsored by Commissioner Sidney Chism. (ADD ON IN COMMITTEE 10/1/08 SENT WITHOUT RECOMMENDATION)

CARPENTER

Acting Chairman, Economic Development Committee

20. Resolution conditionally authorizing the sale to the City of Memphis of Shelby County's interest in the Pyramid, Mid-South Coliseum, and land under the Liberty Bowl for \$5,000,000 and authorizing the Mayor to enter into a contract for this purpose with the City of Memphis. Sponsored by Commissioner

Mike Ritz. (SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

CARPENTER

Acting Chairman,
Economic
Development
Committee

21. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and services to Bearman Golden Gardens, Inc, a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tenn. Code Ann. 67-5-207 et seq. Sponsored by Commissioner Deidre Malone. (AMENDED IN COMMITTEE 10/1/08)

FORD

Chairman, General
Government
Committee

22. Resolution to Amend Shelby County Retirement System Plan A to Clarify Pension Calculations of Certain City-to-County Transfer Employees and County-to-City Transfer Employees, Including Participants Who Have More than One Transfer between County Service and City Service and to Clarify the Circumstances under which a Pensioned Participant's Pension Ceases to be Payable When He Returns to Work. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

23. Resolution to Amend Shelby County Retirement System Plan C to Make the Automatic Cost of Living Adjustments Applicable to Survivor Pensions Payable to Dependent Children. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

24. Resolution authorizing the Shelby County Board of Commissioners to call special meetings. Sponsored by Commissioner Steve Mulroy. (WITHDRAWN IN COMMITTEE 10/1/08)

FORD

Chairman, General
Government
Committee

25. Resolution amending the Permanent Rules of Order of the Shelby County Board of Commissioners. Sponsored by Commissioner Steve Mulroy. (AMENDED IN COMMITTEE 10/1/08)

Announcements/Statements

Adjournment

26. Resolution of adjournment to Monday, October 20 at 1:30 p.m.